IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 6328 of 2005

SHYAM DAS CHELA FATEH RAM SHASTRI & ORS.
V/S
GOPAL DAS CHELA KHERAPA MAHANTJI & ORS.

Mr. GR PUNIA, for the appellant / petitioner

Mr. LR CHOUDHARY, }
Mr. RS MANKAD, } for the respondent
Mr. DHANPAT CHOUDHARY, }

Date of Order : 6.2.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

The impugned order has been passed by the learned trial Court assuming that the petitioner wanted to be impleaded as defendant, in response to the notice issued under Order 1 Rule 8 CPC.

Perusal of the notice issued under Order 1 Rule 8 shows that it was a suit filed by the plaintiff in a representative capacity. Learned counsel for the petitioner submits that the petitioners are prepared to be impleaded as plaintiff, which they are entitled to under the provisions of Order 1 Rule 8. A look at the application shows that all that was alleged was that the decision of the suit will effect the Ramsnehi saints and followers, and therefore, all the petitioners prayed for being impleaded as party. It was not specified, as to whether they wanted to be impleaded as plaintiff or defendant. In that view of

the matter, I do not find any predicament in impleading the petitioners as plaintiffs. Learned counsel Mr.Choudhary also does not have any objection if the petitioners are impleaded as plaintiffs.

In that view of the matter, the writ petition is disposed of by setting aside the impugned order, and directing that the petitioners be impleaded as plaintiffs. The learned trial Court is also directed to expeditiously decide the main suit itself.

(N P GUPTA),J.

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